

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

CSX TRANSPORTATION, INC.,
individually and on behalf of NORFOLK
& PORTSMOUTH BELT LINE
RAILROAD COMPANY,

Plaintiff,

v.

Civil Action No. 2:18-cv-530-MSD-LRL

NORFOLK SOUTHERN RAILWAY
COMPANY, *et al.*,

Defendants.

_____ /

**PLAINTIFF CSX TRANSPORTATION INC.'S
MOTION TO REOPEN AND COMPEL DEPOSITIONS**

Plaintiff CSX Transportation, Inc. ("CSXT"), by counsel, and pursuant to Local Civil Rules 7, 16 and 37, and Fed. R. Civ. P. 16, 26 and 37, respectfully moves this Court for an Order reopening and compelling the depositions of witnesses for Defendant Norfolk Southern Railway Company ("NS") based on the hundreds of thousands of pages of documents that NS produced *after* the date by which it represented to CSXT and this Court that it would substantially complete its productions in response to CSXT's discovery requests. In support of this Motion, CSXT refers this Court to its contemporaneously filed Memorandum in Support, which is incorporated herein by reference.

WHEREFORE, for the reasons stated in the accompanying Memorandum in Support, CSXT respectfully requests that the Court: (1) order the reopening of the depositions of Michael McClellan and Jeffrey Heller; (2) compel the depositions of Rob Martinez and Cary Booth; and (3) award CSXT its costs and attorneys' fees incurred for the filing and prosecution of this Motion.

A proposed order granting the requested relief is attached as **Exhibit 1** to this Motion.

Dated: July 24, 2020

Respectfully submitted,

CSX TRANSPORTATION, INC.

By Counsel

/s/ Robert W. McFarland

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CERTIFICATE OF SERVICE

I certify that on this 24th day of July, 2020, a true and correct copy of the foregoing was served on all counsel of record via Notice of Electronic Filing by filing with the Court's CM/ECF system.

/s/ Robert W. McFarland

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